such action or suit shall be brought, then it shall not be lawful for any person to bring any such action or suit against any person in respect of any such act; and that if the cause or matter of any such action or suit arise within the said city of London or the liberties thereof, then such action or suit must be laid in the city of London, and not elsewhere; and that if the cause of any action or suit arise in any part of the limits aforesaid, out of the said city of London and liberties thereof, then it must be laid and tried in the county of Middlesex, and not elsewhere; and that to every such action or suit it shall be lawful for the defendant, and he is hereby entitled, to plead the general issue; and at the trial to be had thereof, to give this Act and the special matter in evidence, and to prove that the matter or thing for which such action or suit is brought was done in pursuance and by the authority of this Act; and that if, upon the trial of such action, it appear that the said matter or thing has been done in pursuance of this Act, or if it appear that such action or suit was brought before the expiration of twenty-one days after such notice given as aforesaid, or if it appear that sufficient satisfaction was made or tendered before such action was brought, or if upon plea of payment of money into court, it shall appear that the plaintiff has not sustained damages to a greater amount than the sum paid into court, or if any such action or suit be not commenced within the time herein for that purpose limited, or if it be laid in any other county or place than as aforesaid, then and in every such case it shall be the duty of the jury, and they are hereby required to find for the defendant; and that if a verdict be found for the defendant, or if the plaintiff in any such action or suit become non-suited, or discontinue or suffer a discontinuance of any such action or suit, or if judgment be given for the defendant therein, on demurrer or by default or otherwise, then the defendant shall be entitled to have judgement to recover full costs of suit, and to such remedy for recovering the same as any defendant shall have by law.

Costs of Actions.

99. And further, for the prevention of vexatious litigation, be it enacted, with regard to every action in respect of any matter or thing done or intended to be done in pursuance of this Act, so far as relates to the costs of such action, that if the defendant apply to the superior court at Westminster in which such action is pending, or to any judge of any of the said courts, then it shall be lawful for such court of any such judge to require the plaintiff to give such security as such court or judge shall think fit, for the payment of all costs, charges and expenses incurred or to be incurred in and about the said action, and which shall be or become payable by him on the taxation thereof by the proper officer.

Proceedings for preventing Neglect or Evasion of this Act—Notice of Action.

100. And be it enacted, with regard to any penalty or forfeiture incurred by any default in complying with the provisions of this Act, so far as relates to proceedings for the recovery thereof, that at any time within three months after such penalty or forfeiture shall have been incurred, it shall be lawful for any surveyor appointed or confirmed by virtue of this Act, and all other persons, and they are hereby entitled to commence and prosecute proceedings for the recovery thereof, or for the recovery of the expenses of pulling down or altering if any building against any owner, occupier, builder, workman, or other person, or for any default made in complying with the provisions of this Act; provided always, that if such proceedings be taken by any person, except one of the surveyors, or except the official referees, then notice of the intention to commence such proceedings must be given at the office of the surveyor of the district, and at the office of the registrar of metropolitan buildings.

MISCELLANEOUS.

Notifications—Married Female—Infant, Idiot or Lunatic—Owner unknown—Building unoccupied—Immediate Landlord—Part Ownership—Service of Notices—Damages arising from defective Service.

101. And be it enacted, with regard to notices by this Act required, so far as relates to the service thereof upon the owner or occupier of any building or ground, that every such notice must be given as follows, that is to say—If such owner be a married female, other than a restuque trust in regard to such property, then such notice must be given to the husband of such married female; or if such owner be an infant, idiot or lunatic, or restuque trust, then such notice must be given to the guardian, trustee or committee of such infant, idiot or lunatic, or restuque trust; or if such owner, husband, truster, guardian or committee is not known or cannot be found, then such notice must be affixed to some conspicuous part of such building, front or ground to which it shall relate; or if such building or ground be unoccupied, then such notice must be affixed to some conspicuous part of such building, front or ground, at a height of not more than nine feet from the ground; and if the person in the occupation of any building or premises, ground or tenement, in respect of which notice is to be given, allege that he is not the owner thereof, then such notice must be given to the immediate landlord of such occupier, and it shall be the duty of such occupier, and he is hereby required to inform any person by whom such notice shall be required to be given, or any other person applying on his behalf, of the name, place of residence, or place of business of such owner or landlord, or of his agent or other person by whom the rent of such building, premises, ground or tenement shall be received; and if such owner or landlord be not in receipt of the whole of the rents or profits of such building, premises, ground or tenement; and if any notice shall be served upon such owner or landlord, then, immediately upon the receipt thereof, it shall be his duty and he is hereby required to transmit to his immediate landlord or his agent, and also to any other person having an interest in such building or premises, ground or tenement, or in receipt of the rents or profits thereof under the same immediate landlord, or to the agent of such person, a copy of such notice: provided always, with regard to every such notice, so far as relates to the service thereof upon any such owner, that if it be served upon the immediate landlord of the occupier or upon his agent, by or on behalf of the person by whom it is hereby required to be served in the first instance, then, although it may not be served by such immediate landlord upon any other landlord or owner, such service is to be deemed to be sufficient service; but nevertheless, if any owner suffer damage by the failure of any other person, being either the occupier or any person holding under such owner, to serve such notice, then such owner shall be entitled to recover the amount thereof against such person by whom such damage shall have been occasioned; and that every notice served under this clause, on any person, must contain a copy of the provisions, so far as they require him to transmit the same to his immediate landlord, or the agent of such landlord.

Mode of Service upon Occupier.

102. And be it enacted, with regard to notices by this Act required, so far as relates to the mode of service thereof upon the occupier of any building or ground, that if such notice be intended for the occupier of any building or ground, then it must be given either personally or by leaving the same with some lunatic at the premises, or it must be affixed as aforesaid.

Mode of Service upon Owners, by delivery—Effect of Notice.

103. And be it enacted further, with regard to all such notices, so far as relates to the mode of service thereof upon owners by delivery, that every such notice (except such notice as may, according to the provision in that behalf, be sent by post), must be given either personally or by leaving the same with some inmate at the usual place of abode of such party, or if that be not known, then at his last known place of abode; and that every such notice, when so given to such persons respectively as aforesaid, or left at the last known place of their respective abodes, or when so affixed as aforesaid, according to the cases hereinbefore mentioned, is hereby declared to have the same effects and consequences as if given to the actual owner.

Mode of Service upon Owners, by transmission.

104. And be it enacted further, with regard to notices, so far as relates to the mode of service thereof by transmission, that if any owner, upon whom the same is required to be served, be not within the limits of this Act, or have not, within the limits of this Act, any agent acting in his behalf in the matter of the premises to which the notice refers, then it shall be lawful to give notice by post-letter, duly registered according to the practice for the time being, adopted with regard to letters transmitted by post; but so that, nevertheless, such letter be posted in such time as will afford to the person addressed, after the receipt of such letter, the full period of notice required in the case.

Notices for Surveyors and Official Referees.

105. And be it enacted, with regard to notices, so far as relates to the service thereof upon the surveyors and upon the official referees, that if the notice relate to the surveyor, then such notice must be served at the office of the surveyor; and that if the notice relate to the official referees or any of them, then such notice must be left at the office of the registrar of metropolitan buildings.

Consents by Incapacitated Persons.

106. And be it enacted, with regard to consents by this Act required to be given by the owner or occupier of any building or ground, so far as relates to the making thereof on behalf of incapacitated persons, that if such owner or occupier be a married female, not being a restuque trust in regard to the property to which such consent relates, then such consent must be given by the husband of such married female; or that if such owner or occupier be an infant, idiot or lunatic, or restuque trust, then such consent must be given by the guardian, trustee or committee of such infant, idiot or lunatic, or restuque trust; or that if such owner or occupier, husband, trustee, guardian or committee be not known or cannot be found, then such consent must be given by the official referees.

Exemption from Stamp Duty.

107. And be it enacted, with regard to the following documents, so far as relates to the payment of stamp-duty in respect thereof, that every certificate and every award required to be made or signed by the surveyor or the official referee, shall be and is hereby exempted from stamp-duty.

108. And be it enacted, that this Act shall be deemed to be a public Act, and shall be judicially taken notice of as such by all judges, justices and other persons whomsoever, without specially pleading the same.

109. And be it enacted, that this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

pany of the Bank of England already erected, and which now form the edifice called "The Bank of England," and any offices and buildings hereafter to be erected for the use of the said governor and company, either on the site of, or in addition to, and in connection with, the said edifice; and the warehouses of or belonging to the Saint Katharine Dock Company, and situate in the parish of Saint Botolph-without Aldgate, and in the precinct of Saint Katharine, near the Tower of London, in the county of Middlesex; and the warehouses and buildings of or belonging to the London Dock Company, comprehended within the wall of the said company, and set forth in an Act passed in the ninth year of the reign of his late Majesty King George the Fourth; and the several warehouses and buildings of or belonging to the East and West India Dock Company, established by an Act made in the first year of the reign of her present Majesty; and the buildings erected, or to be erected, by the London and Birmingham Railway Company, established and incorporated by an Act passed in the third year of the reign of his late Majesty King William the Fourth, within and in connection with the works of their railway, by virtue of the several Acts relating thereto; and the erections and buildings authorized by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, for the purposes of a market in Covent Garden; and any other buildings exempted by any Act of Parliament from the operation of the Act passed in the reign of his late Majesty King George the Third, and hereby repealed.

SCHEDULE (C).—PART I.—(SEE § 5.)—Rules for determining the Classes and Rates to which Buildings are to be deemed to belong for the purposes of this Act, and the Thicknesses of the Walls of Buildings of such Rates.

CLASSES OF BUILDINGS.—For the purposes of this Act, all buildings of whatever kind, subject to the provisions thereof, are to be deemed to belong to one or other of the following three classes; that is to say,—

First Class.—If a building be built originally as a dwelling-house, to be occupied, or intended to be occupied, as such,—then it is to be deemed to belong to the first, or dwelling-house class.

Second Class.—If a building be built originally as a warehouse, storehouse, granary, brewery, distillery, manufactory, or workshop, or be occupied or intended to be occupied as such, or for a similar purpose,—then it is to be deemed to belong to the second or warehouse class.

Third Class.—If a building be built originally as a church, chapel, or other place of public worship, college, hall, hospital, theatre, public concert-room, public ball-room, public lecture-room, public exhibition-room, or occupied or intended to be occupied as such, or for a similar purpose, or otherwise as did or intended to be used, either occasionally or constantly, for the assemblage of persons in large numbers, whether for public worship, business, instruction, debate, discussion, or resort,—then it is to be deemed to belong to the third or public building class.

Alteration of Class.—And if any room, whether constructed within any other building or not, and whether included in the aforesaid classes or not, be used at any time for the public or general congregation of persons,—then the building containing such room is to be deemed a building of the third or public building class. Or if a building originally built, or subsequently altered, so as to belong to within any one class, be subsequently converted into or used as a building of another class, then it is to be deemed to belong to such other class; and, as to it, all the conditions prescribed with regard to buildings of the same rate of such other class must be fulfilled, as if it had been originally built of such class; subject, nevertheless, to such modifications as shall be sanctioned by the official referees on a special inspection thereof.

RATES OF BUILDING.—And the buildings included in the said classes are to be deemed to belong to the rates of those classes, according to the conditions of height, area, and number of stories set forth in the following tables; which conditions are to be determined according to the following rules:—

Rule for ascertaining Height.—The height of every building is to be ascertained by measuring from the surface of the first or lowest floor of the building, up to the underside of the ceiling of the topmost story, at the highest part thereof, whether such story be within the roof or not. And if there be no ceiling made, or intended to be made to the topmost story,—then by measuring from the surface of such first or lowest floor of the building up to the underside of the tie-beam, collar-beam, or other substitute for a tie-beam of the roof of roof.

Rule for ascertaining Area.—And the area of every building is to be determined by the number of squares contained in the surface of any floor which shall contain the greatest number of squares at or above the principal entrance to such building; including in such surface the area of all the external walls and such portions of the party-walls as belong to such building, but excluding from such surface the area of any attached office, area, balcony, or open portico.

Rule for ascertaining Stories.—And the stories of every building are to be counted from the foundation upwards. And if the space between the top of the footings and the level of the first floor do not exceed five feet, then the story next on the foundation is to be considered the lowest or first story; and in that case the top of the footing is to be considered the level of the first floor.

Rule for ascertaining Thickness of Walls.—And the thickness of every wall, and of the footing thereof, is to be ascertained by measuring only the thickness of which such [illegible] or footing shall have been or [illegible] built.